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93rd GENERAL ASSEMBLY
REGULAR SESSION
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160th Legislative Day

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PRESIDENT JONES:

Happy New Year. The regular Session of the 93rd General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? The invocation today will given by Reverend Ray Junkins {sic} (McJunkins) of the Union Baptist Church here in Springfield. Reverend Junkins.

THE REVEREND RAY McJUNKINS:

(Prayer by the Reverend Ray McJunkins)

PRESIDENT JONES:

Please remain standing for the Pledge of Allegiance. Senator Link.

SENATOR LINK:

(Pledge of Allegiance, led by Senator Link)

PRESIDENT JONES:

Madam Secretary, Reading and Approval of the Journal.

SECRETARY HAWKER:

Senate Journal of Thursday, November 18, 2004.

PRESIDENT JONES:

Senator Haine.

SENATOR HAINE:

Thank you very much, Mr. President. Mr. President, I move that the Journal just read by the Secretary be approved, unless a Member of the Senate has additions or corrections to offer.

PRESIDENT JONES:

Senator -- Senator Haine moves to approve the Journal just read by the Secretary. There being no objection, so ordered. The Chicago Tribune requests leave to -- to videotape or photograph the proceeding. Any objection? No objection. So ordered. And WCIA, as well as AP, requests to take photos. Members, be -- look your best; AP want to take some beautiful pictures of you guys. Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolution 751, offered by Senator Haine and all Members.

Senate Resolution 752, offered by Senator Brady and all Members.

Senate Resolution 753, offered by Senator Risinger and all Members.

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Senate Resolution 754, offered by Senator Shadid and all Members.

Senate Resolution 755, offered by Senator Haine and all Members.

Senate Resolution 756, offered by Senator Sandoval and all Members.

Senate Resolution 757, offered by Senator Shadid and all Members.

Senate Resolution 758, offered by Senator Clayborne and all Members.

Senate Resolution 759, offered by Senator Silverstein and all Members.

Senate Resolution 760, offered by Senator Dillard and all Members.

Senate Resolution 761, offered by President Jones and all Members.

Senate Resolution 762, offered by Senator Hunter and all Members.

Senate Resolution 763, offered by Senator Clayborne and all Members.

Senate Resolution 764, offered by Senator Clayborne and all Members.

Senate Resolution 765, offered by Senator Wendell Jones and all Members.

Senate Resolution 766, offered by Senator Wendell Jones and all Members.

And Senate Resolution 767, offered by Senator Sandoval and all Members.

Along with Senate Resolution 768, by Senator Sandoval and all Members.

They're all death resolutions.

PRESIDENT JONES:

Resolutions Consent Calendar.

SECRETARY HAWKER:

Senate Resolution 769, offered by Senator Harmon.

And Senate Joint Resolution 92, offered by Senator Peterson.

Senate Joint Resolution 93, offered by Senator Sandoval.
They're all substantive.

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PRESIDENT JONES:

The members of the Rules Committee, the Chairman has asked for the members of the Rules Committee to convene in the Antechamber for -- for a meeting. All the members of the Rules Committee will meet immediately in the Antechamber. Senator Shadid, for what purpose do you rise?

SENATOR SHADID:

Thank you -- thank you, Mr. President. I rise on a point of personal privilege.

PRESIDENT JONES:

State your point.

SENATOR SHADID:

Our good friend, Senator John Sullivan, is celebrating his sixty-fifth birthday today. Oh -- and he's brought in a cake for us to help him celebrate. It's over there on the Democrat side. I am correct, aren't I, Senator? Sixty-five years. Is that correct? Oh. I think he's only forty-six, Mr. President.

PRESIDENT JONES:

Yeah. I know he and I...

SENATOR SHADID:

Happy Birthday, Senator Sullivan.

PRESIDENT JONES:

Now I know he and I were forty-six years old. So, welcome to the club, Senator. Senator Righter, what purpose do you rise?

SENATOR RIGHTER:

Point of personal privilege, Mr. President.

PRESIDENT JONES:

State your point.

SENATOR RIGHTER:

Thank you. Two birthday announcements if you please, Mr. President. First, yesterday one of our dedicated and able staff members on the Senate Republican side, Peg Mosgers, celebrated her birthday, and so on behalf of the Senate Republicans, we want to wish her a happy birthday. Also, another one of our Members has a birthday today. He does have a cake over here on this side of the aisle. Everyone's welcome to it. That is Senator Dale Risinger. Mr. President, I don't know how old Senator Risinger is, but considering how old Senator Shadid said

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Senator Sullivan was, you can see how much older Senator Risinger looks than Senator Sullivan. So, he must be a good deal older than that. Thank you.

PRESIDENT JONES:

Yeah. Happy Birthday to all. I do trust -- I do trust that it is a bipartisan cake that you have here. Madam Secretary, Messages.

SECRETARY HAWKER:

Letter dated December 7, 2004.

Dear Ms. Hawker - This is to inform you that I will be resigning as State Senator of the 23rd -- Senatorial District of the State of Illinois effective midnight on January 3rd, 2005. It has been my honor and privilege to serve the people of the -- as Senator for my district and the State of Illinois.

Respectfully, Ray Soden.

January 10, 2005.

Dear Ms. Hawker - This office is forwarding herewith copies of the Notice of Vacancy from the Legislative Committee of the Republican Party of the 23rd Legislative District declaring the existence of a vacancy in the Office of Senator of the 93rd General Assembly in the 23rd Legislative District, as a result of the resignation of Senator Ray Soden. Also enclosed is a copy of the Legislative Committee's Certificate of Appointment for Carole Pankau, 215 Heritage Drive, Roselle, Illinois, 60172, who was appointed to fill the vacancy of the Office of Senator in the 93rd General Assembly for the 23rd Legislative District, along with the Oath of Office.

Very truly yours, Jesse White, Secretary of State.

January 7, 2005. To the Honorable President of the Senate:

Sir - In compliance with the provision of the Constitution of the State of Illinois, I am forwarding herewith the enclosed Senate bill from the 93rd General Assembly as vetoed by the Governor, together with his objections:

Senate Bill 1592.

Respectfully, Jesse White, Secretary of State.

I have a like Message with respect to Senate Bill 3188, also with a total veto. Pardon me. With specific recommendations for change.

January 10, 2005.

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In compliance with the provisions of the Constitution of the State of Illinois, I am forwarding herewith the enclosed Senate bill from the 93rd General Assembly as vetoed by the Governor, together with -- with his objections:

Senate Bill 2257.

Again, filed by Jesse White, Secretary of State.

PRESIDENT JONES:

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. It was just -- if I could have your attention for a moment, it was just read into the record that we have a -- a new Senator among us.

PRESIDENT JONES:

Pardon me, Senator. Let me get their... Please tone it down. Senator Watson.

SENATOR WATSON:

Thank -- thank you, Mr. President. It was just read into the record that we have a new Senator, who was just recently appointed and that is Senator Carole Pankau, who is sitting right here in front of us. We want to welcome her, obviously, to the Senate Chambers. She's a fellow, or I'm not sure that's the right word, but anyway, Purdue Boilermaker graduate, which increases our caucus by a hundred percent on this side. But anyway, we certainly want to welcome her. She's been in the House. How many years were you in the House, Carole? She was in twelve years in the House. Now comes over here to be with us in the Senate. She will be a great addition to our caucus and to this Membership. So, we welcome her and certainly congratulate her on her appointment.

PRESIDENT JONES:

Being it -- being this is the new year and this will be the first time a person will have an opportunity to explain their presence. Welcome, Senator. Madam Secretary, has there been any motions filed?

SECRETARY HAWKER:

Yes. I have a Motion, filed by Senator Sieben, to Override the Governor's veto of Senate Bill 1592; a Motion to Override the Governor's veto of Senate Bill 2257, filed by Senator DeLeo; and a Motion to Discharge Floor Amendment No. 8 to -- to House

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Bill 3589, filed by Senator Righter. (Motion to Accept Specific Recommendations for Change on Senate Bill 3188 submitted in writing, but inadvertently not read into the record.)

PRESIDENT JONES:

The motions shall be placed on the Calendar. Senator Link, what purpose do you rise?

SENATOR LINK:

Point of personal privilege, Mr. President.

PRESIDENT JONES:

State your point.

SENATOR LINK:

While we were gone at the beginning of this year, it was brought to my attention that we celebrated another birthday of one of our colleagues.

PRESIDENT JONES:

Senator, can you hold just one moment? Could we tone down the conversation? It's very difficult to hear. Senator Link.

SENATOR LINK:

As I was saying, as we were gone, it came to my attention we celebrated another birthday of one of our colleagues while we were gone. And he changed decades in his years, but I guess in his change of decades he was too cheap to buy a cake. But I think we still can celebrate his birthday and we should wish Senator Forby a happy birthday.

PRESIDENT JONES:

Happy birthday. Senator Sullivan, what purpose do you rise?

SENATOR J. SULLIVAN:

Point of personal privilege.

PRESIDENT JONES:

State your point.

SENATOR J. SULLIVAN:

I'd like the Senate to welcome some constituents of mine. In the gallery above me is Miss Quincy, Karrie Nozawa and her mother, -- Cynthia -- Cindy. I'm sorry. You bet. If you would stand, please. And also joining them is also another constituent from the Quincy area and that's Joan Hester.

PRESIDENT JONES:

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Will our guests in -- in the -- in the gallery please rise and be welcomed by the Senate? Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Viverito, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Be Approved for Consideration - Motion to Accept Specific Recommendations of the Governor to Senate Bill 3188, Senate Bills 1994, 3186, House Bill 626, House Bills 756, 805, 949, 1068, 2751, 2753, 4241 and 7180.

PRESIDENT JONES:

Senator Halvorson in the Chair.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Bomke, for what purpose do you rise?

SENATOR BOMKE:

Thank you, Madam President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR BOMKE:

Behind the Senate Republicans, we have with us today our fine Sheriff from Sangamon County, Neil Williamson, and with him, a number of Sangamon County Deputies. Would you help me welcome them to the Capitol today?

PRESIDING OFFICER: (SENATOR HALVORSON)

Will our guests in the gallery please rise? Welcome to Springfield. The Rules Committee will meet immediately in the President's Anteroom. Immediately, Rules. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator Viverito, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Education Committee - Floor Amendment 2 to House Bill 756; and refer to -- Executive Committee - Floor Amendment 2 to House Bill 626, Floor Amendment 4 to House Bill 805, and Floor Amendment 1 to House Bill 949; Be Approved for Consideration - Motion to Concur with House Amendment 1 to Senate Bill 1994 and Conference Committee Report No. 1 to Senate Bill 3186.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Silverstein, for what purpose do you rise?

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SENATOR SILVERSTEIN:

For purpose of announcement, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your announcement.

SENATOR SILVERSTEIN:

The Senate Executive meeting -- Committee will meet at 2:45 in Room 212.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator del Valle, for what purpose do you rise?

SENATOR DEL VALLE:

For purposes of an announcement.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your announcement.

SENATOR DEL VALLE:

The Senate Education Committee will meet in Room 212 at 2:15.

PRESIDING OFFICER: (SENATOR HALVORSON)

Supplemental Calendar has been distributed. So if everybody will pull that out, we will be going to the Order of Motions in Writing to Accept Specific Recommendations for Change. Senator Forby, on Senate Bill 3188. Do you wish to proceed? Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 3188 in manner and form as follows:

Amendment to Senate Bill 3188

in Acceptance of -- Governor's Recommendations

Motion filed by Senator Forby.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Forby, to explain the motion.

SENATOR FORBY:

All this does is -- is change the effective date to immediately, instead of waiting till June. So, all this bill does, as soon as the Governor signs it, it's immediately - right now.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Forby moves to accept the specific recommendations of the Governor as to Senate Bill 3188. Is there any discussion? Seeing none, the question is, shall the Senate

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accept the specific recommendations of the Governor as to Senate Bill 3188 in the manner and form just stated by Senator Forby. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Yeas, none voting Nay, none voting Present. The specific recommendations of the Governor to Senate Bill 3188, having received the required constitutional majority, is declared passed. The Senate will stand in recess to the call of the Chair. After committees we will be coming back to the Floor for business. The Senate stands in recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HALVORSON)

The Senate will come to order. And will all those Members within the sound of my voice please come to the Floor, so we can get -- get going? Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Resolutions 770 through 776, all offered by Senator Haine and all Members.

And they are all death resolutions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Resolutions Consent Calendar. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senator del Valle, Chairperson of the Committee on Education, reports Senate Amendment No. 2 to House Bill 756 Be Approved for Consideration.

Senator Silverstein, Chairperson of the Committee on Executive, reports Senate Amendment No. 2 to House Bill 626 and Senate Amendment 1 to House Bill 949, all Be Adopted.

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary, Messages.

SECRETARY HAWKER:

January 10, 2005.

Dear Madam Secretary - Pursuant to the provisions of Senate Rule 3-1(d), I hereby appoint Senator Carole Pankau to

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replace Senator Ray Soden as a member of the Senate Revenue Committee. This appointment is effective immediately.

Sincerely, Frank Watson, Senate Republican Leader.

PRESIDING OFFICER: (SENATOR HALVORSON)

Again, will all Members please come to the Floor so that we can start our business? Supplemental Calendar No. 2 has been distributed. Should be on your desk if you take a look at the House Bills 3rd Reading. House Bill 626. Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Madam President. Would request a Senate Republican Caucus in Senator Watson's Office immediately.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Burzynski, that's always in order. Could you please share with us how long you think it'll be? Five minutes?

SENATOR BURZYNSKI:

Senator Watson's indicated that we plan on having dinner tonight and about forty-five minutes at the -- at the most. I know. No. He's just teasing. Forty-five minutes.

PRESIDING OFFICER: (SENATOR HALVORSON)

We'll negotiate with you. We'll give you thirty. We'll recess for thirty minutes while the Republicans caucus. So, we will be back at ten till 6. So we'll recess to the call of the Chair. Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HALVORSON)

Senate will come to order, and if you're not on the Floor, please do so immediately. Catherine Sikora from General Image in Chicago and Michael Jasinski from Boystown Media have requested leave to photograph or videotape the proceedings. Is leave granted? Leave is granted. We'll be going to Supplemental Calendar No. 2, if everybody has that at their desk ready to go. And let me just tell everybody what our plans are for this evening. We plan on going through the entire Supplemental Calendar. We plan on it. I would hope that -- it's been brought to my attention that we use the timer. I -- I've chosen not to, because I believe that on your own you'll probably be

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able to keep it succinct. And if the lights go on and somebody has said the same thing that the person before them has said, I may have to stop you, because there's no reason to say exactly or somewhat the same of what the person before you has said. So, hopefully, I will not have to use the timer and everybody will take it upon themselves to keep to the point, 'cause repetition is unnecessary. Senator Hendon, for what purpose do you rise?

SENATOR HENDON:

Madam Chairman, I -- I -- I appeal to you to change your decision on the use of the timer, because we really need to get out of here tonight. We have some things to do and if you do not change your decision, some of our Members will probably linger on for quite some time.

PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator Hendon. However, I'm going to give them that chance. Senator Martinez, on Senate -- House Bill 626. Senator Martinez seeks leave of the Body to return House Bill 626 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 626. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 2, offered by Senator Martinez.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Martinez, to explain your amendment.

SENATOR MARTINEZ:

Thank you, Madam President. Senate Amendment 2 deletes all and makes three changes to the language of the bill as amended by Senate Amendment No. 1 which establishes a program of grants for developers of new affordable rental housing and for landlords who offer rents that are affordable to low-income tenants. Senate Amendment No. 2 changes are as follows: The Amendment 1 {sic} puts a cap on the percentage of grant money that may be used by local agencies for the Rental Housing Support Program's administrative costs; two, it exempts public utilities from paying a new surcharge for easements; and three, it reduces from eleven dollars to ten dollars a surcharge for --

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on filing certain documents which funds the program. And I'll be happy to discuss the bill on 3rd Reading.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Seeing none, Senator Martinez moves the adoption of Amendment No. 2 to House Bill 626. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

3rd Reading. Now on the Order of 3rd Reading is House Bill 626. Senator Martinez, do you wish to proceed? Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 626.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Madam President and Members of the Senate. This has been a bill that's been around from -- during the -- during the last Session and all through the summer. We've tried to work on this bill both with the Republican Senators and the -- the -- all the housing advocates out there, and we have reached a lot -- we have done some good work as far as bringing together and making changes to make sure that this bill will work for the State of Illinois. Let me just give a little background on the bill. The Rental Housing Support Program would create a State-funded rental assistance program that which would make rent affordable to families at thirty percent or below the area median income. A dedicated fund will be created at the Illinois Housing Development Authority to provide grants to local agencies throughout the State to create local rental assistance program. One of the things that I want to make sure people understand here is that this does not only benefit Chicago. In fact, it benefits -- seventy percent of affordable units would be located outside Chicago. There is a statewide need for rental

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assistance and the program will reach areas of the State. One thousand six hundred and seventeen units will be in Chicago. That's only thirty percent. But the rest goes as follows: Eleven hundred and forty-seven units will be in the suburban areas of Cook and collar counties; eleven hundred and sixty-four units will be in the small metro areas; and fifteen hundred -- units would be in the rural areas. So as you can see, this -- this rental subsidy benefits every part of Illinois. And I think it's important that we see the necessity right now, with housing being as expensive as it is. I think it's important that we realize that we need to do more for rental -- people who are actually renting, people who cannot afford to buy a home. And I think this bill just starts that. Sure, it's not a whole lot of money, but I think the nine dollars that will go into this fund at least will create thirty-four million dollars that will be able to go into all these areas where housing is a big issue. And -- I'll be happy to answer any questions that anyone may have for me.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President. Briefly to the bill, first of all, my hat's off to Senator Martinez for working very hard and making some changes. I rise as a reluctant opponent tonight, not from a lack of sincerity on her part and an open-mindedness on her part, because she did make a number of changes which made the bill a little bit more attractive. But there's two things I think to keep in mind. First and foremost, this is a fee increase. It's a fee increase many times on folks who can't necessarily afford it. And the irony is of the fee increase, is that we're taxing something that we're trying to benefit. So, in other words, we're taxing housing to create -- we're -- we're making housing more expensive to create affordable housing, which is counterintuitive. ...a bad idea. The second thing, and probably most importantly, is there is no guarantee in this legislation that it will be spared the long arm of the Second Floor in the chargebacks that will inevitably come. I know the Senator has reached out to the administration for assurances that the Governor's "budgeteers" won't reach in and do a

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chargeback. But I think that the assurances that they have made are not ones that we can rely on. So I would urge a No vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Wojcik.

SENATOR WOJCIK:

Thank you. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates she'll yield.

SENATOR WOJCIK:

I have a -- a few questions regarding this issue. Is there any place in this legislation that there would be a checkoff where the person would have the choice to allow the ten dollars to be taken from their recording fees?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Martinez. Senator Wojcik.

SENATOR MARTINEZ:

No. There's not.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Wojcik.

SENATOR WOJCIK:

So, in other words, we're looking at a mandate to that individual who might be selling their home without any repercussions or anything that he may have the choice to say, "I want to help", or "I don't want to help."

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Martinez.

SENATOR MARTINEZ:

Senator Wojcik, I think that -- I -- I -- I don't look at it as a mandate. First of all, when you look at someone who buys a piece of property at closing, you see a whole bunch of numbers and -- and the closing costs and everything that's attributed to what it is that we do during a closing. When you look at a ten-dollar fee that this is, when you look at the fact that these ten dollars, nine dollars of it will go into a fund to help rental subsidies occur in the State of Illinois, I really feel that people will not mind that ten-dollar fee compared to all the other fees that go into all kind of taxes and local, you know, municipalities and everything. So, while, you know, you might call it a mandate, I think that it's

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something that we need, especially in -- in this time, that we cannot find any kind of money for housing. I think this just creates a fund by itself that will at least start addressing some of the housing issue.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Wojcik.

SENATOR WOJCIK:

Do you know approximately how much this fund will generate?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Martinez.

SENATOR MARTINEZ:

This -- this fund will -- if we are able to put that ten-dollar fee in, get it passed, it will create at least thirty-four million dollars. And thirty-four -- it's a start. I -- I don't think that thirty-four million will cover all the issues that we have with housing, but I think it's the beginning and I think that we can at least start addressing that issue.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Wojcik.

SENATOR WOJCIK:

Thirty-four million dollars that is going to go into the Illinois Housing Development Authority, correct?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Martinez.

SENATOR MARTINEZ:

Thirty of it will. Thirty of it will go into the -- into that fund, which -- which is the rental subsidy fund.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Wojcik.

SENATOR WOJCIK:

And these funds, if they're not all used in this category, can be transferred out and put it into something else in our budget, in our general fund?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Martinez.

SENATOR MARTINEZ:

Well, the -- my understanding is that that money will -- will stay there. But one of the things -- one of the commitments that I am trying right now to work on, we're

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supposed to receive a letter from the Governor's Office saying that that money, whatever it is, would not be swept. And that's one of the things that we want to make sure that occurs because it is in the beginning stages. There's a lot of work that needs to be done with this, but at the same time, you know, there's money there, there will be, and then the other percent will go to another -- to another fund.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Wojcik.

SENATOR WOJCIK:

Senator, I don't want to say this in deference to our Governor, but I believe that he's taken a lot of money out of the Road Fund. And I think any fund that he is going to see where money can be deciphered out of, he's going to do it. The numbers, we're talking what you had just restated -- on the record. We're talking three thousand eight hundred and one people -- persons would utilize this. We're talking thirty million dollars. I think that's a pretty large figure to be used in this affordable housing and I think that we should look at it. I think there's a lot of flaws. The first flaw is that you don't have the right of refusal. I think that's a government interference. I don't think the way we -- we should do business like that in Illinois. We all talk about freedom of choice. And I think we should look at that. So I would respectfully thank you for your presentation, but I'm going to vote No.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any further discussion? Seeing none, Senator Martinez, to close.

SENATOR MARTINEZ:

I want to thank the Members for listening. I just think that in a time where housing has become a big issue for the people in the State of Illinois, I think we have a responsibility to at least start doing something about addressing the issue on housing. And I think this is the first step. There might be some flaws, I understand, but as anything, we just need to start addressing an issue that's very critical. When you look at the number of people that are out there that are having problems finding housing, I think that we are doing the right thing. When you look at the fact that seventy percent

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of these units will be created outside of Chicago, the need is there and I really urge a Yes vote on this to at least help the people of the State of Illinois. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall House Bill 626 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Yeas, 22 Nays, 1 voting Present. And House Bill 626, having received the required constitutional majority, is declared passed. On House Bill 756, Senator del Valle. Senator del Valle. Senator del Valle, on House Bill 756. With leave of the Body, we'll return to House Bill 756. Senator Link, on House Bill 949. Senator Link seeks leave of this Body to return House Bill 949 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 949. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 1, offered by Senator Link.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link, to explain your amendment.

SENATOR LINK:

Thank you, Madam President. This is the subcircuit bill pertaining to the map. It's a follow-up from Senate Bill 75 with some additions. This is a accumulation of testimony that was taken in a series of public hearings that were taking place in November and December of 2004 and in January of 2005 in Rockford, Woodstock, Waukegan, Joliet, Aurora and Springfield, where various people including judges, State's attorneys, other elected officials, community organizers and private citizens testified pertaining to districts in the 12th, 16th, 17th, 19th and 22nd circuit. What this bill would do is create two new circuit judgeships in the -- 9th -- circuit district. It'd be one for Fulton County and one for McHenry, which would be a resident judge assigned to the subcircuit. There will be no losses in circuit judges. There will be no impact on current sitting judges, no impact on judges elected at-large. There would be one -- associate judge affected - that would be in the

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17th circuit. That associate judge would be converted to a resident circuit judge and it'd be assigned to a subcircuit. That basically is what the provision of this map is. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion on the amendment? Senator Dillard.

SENATOR DILLARD:

I'll wait till the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Geo-Karis. Senator Link moves the adoption of Amendment No. 1 to House Bill 949. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any other Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

3rd Reading. Now on the Order of 3rd Reading is House Bill 949. Senator Link, do you wish to proceed? Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 949.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

Basically the bill is what the amendment that I just explained. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President. I'll try to be brief knowing the late hour, but this bill is being ramroded through here at the last possible minute. I rise in opposition to this for primarily just an objection to the process of the way that this particular bill, a very important bill that pertains to how our judiciary conducts its business in Illinois is selected. I do have real problems with this bill in the fact that I believe

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that this is special legislation in violation of the Illinois Constitution. For example, my home county of a million people, DuPage County, is left out. They put in McHenry, but they leave out St. Clair County. I think it's also a violation of Section 2 of the Voting Rights Act, because there really ought to be more minority districts created here. We have a plan to do so, at least on this side of the aisle, especially more Hispanics in Kane County. The qualifications of a judge are education, experience, temperament, fairness and honesty, not actually where somebody lives by an address. But the process here, and it's been pointed out by the Chicago Tribune and the Rockford paper and the Kane County Chronicle and the Daily Herald and virtually every newspaper, the Aurora Beacon News, has pointed out that the lateness of this process really, really stinks, especially the addition of new counties less than about a week ago. We have never seen the maps until a week ago that were proposed. And the process, the late timing of this, considering what we are dealing with, the picking of judges in our State, is very, very, very, very objectionable. I will point out that this bill, some of the former chief judges talked about the expense of this bill, and we have had no input whatsoever from the Bar Associations and those who are really affected and know better than even we what impact this will have. I guess, in conclusion, I really don't like the way, and I know Senator Petka and some of my colleagues know this issue better than I do, but I really object to the way this is sort of being shoved down our throats, especially the new counties which have been added. And this system -- our system of picking judges in this State obviously is far from perfect, but when you run this through this smacks of nothing more than a partisan power play. It does not put more minorities on the bench. It certainly will put more partisan Democrats on the bench who contribute to the Democratic Party. And this is not a way to fix our court system. This makes it much, much worse. So, I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Schoenberg.

SENATOR SCHOENBERG:

I move the previous question.

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PRESIDING OFFICER: (SENATOR HALVORSON)

Thank you, Senator. There are one, two, three, four, five, six, seven speakers. Senator Geo-Karis.

SENATOR GEO-KARIS:

I think the prior speaker meant he urges a No vote. Senator Dillard. This -- this affects my area. Let me tell you something, what this bill really does. It hurts the Latino population and it hurts the Black population the way this bill is constructed. Don't be fooled by it. This is a divide and conquer situation and I think it's wrong, wrong, wrong. I was at the hearings. I was at one that, in fact, Senator Link prevailed as the Chairman, when it was supposed to have been called by the House committee on Judiciary. I think this is very bad, very bad type of work and I'm surprised at my colleague from Lake County, because he knows that this will deprive minorities and will deprive the Latino population of their just dues. And I say fervently that we should vote against this bill. I -- I'm just shocked that he's bringing it through, because I'll tell you right now, it's not going to work and it is unconstitutional.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Risinger.

SENATOR RISINGER:

Thank you, Madam President. I just want to say that I object to the process also, because Senator Dillard said that he had seen the map a week ago. I haven't seen the map yet, and I'm being asked to vote on this. And I think this -- that this process is -- is flawed. And I think that the way we're doing this is out of line and -- and being rushed.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Petka.

SENATOR PETKA:

Thank you, Madam President and Members of the Senate. I would just like to correct a couple things that occurred, Senator Link, in committee when you made mention, at least -- at least twice and maybe more, about the necessity of a -- of meeting a deadline for the appointment of certain judges. The language of Public Act 93-1040, which we passed during the -- during the overtime Session and which I cosponsored, completely

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eliminated all deadlines in connection with Senate Bill 75 with the exception of stating that there had to be an election by no later than December 1st of 2006, but there are no -- no other deadlines, whatsoever, in the legislation. I am one of the few here in the Senate who was part of the process of -- when subcircuits were passed for -- for the County of Cook. The process that was involved, now fourteen years ago, is dramatically different than the process that we are now -- engaged in. Nearly fourteen years ago, a coalition of Republicans, Black Americans, Latinos, some lakefront liberals got together and decided that a number of problems existed in the way that elections were conducted in Cook County. One of the big reasons that people were upset was the fact that in Cook County, because of the nature of the -- of that county and how large it is, that a -- a judicial election necessarily involved fifty, sixty, seventy, perhaps eighty names that would appear. And that no reasonable person could possibly give due attention to all of the qualifications in that for -- for that many judges, so one of the things that subcircuits brought about, was an opportunity to focus in on a limited number of judges. But more importantly, there was also an agreement as to diversity: Racial diversity, ethnic diversity and, yes, political diversity. The biggest single difference between that process and this process is that when the bill came out, it enjoyed wide bipartisan support. It had -- it received more than a hundred votes in the House, received fifty-five or so votes in the Senate, only two dissenting votes. And it was truly a bipartisan attempt to fix a problem. Right now, what we are seeing is a solution without a problem. There has been no public outcry for subcircuits, especially in Kane, Kendall and DeKalb and Rockford and Winnebago. As a matter of fact, the opinion molders in those counties uniformly and unanimously are opposed not only to the process, but also to the concept of why we even need 'em in the first place. Consider further that this legislation that was trotted out, insofar as Kane, Kendall and DeKalb and Winnebago and Boone, has only been bubbling for about thirty days, in sharp contrast to the nearly two years that it took to come forward with a consensus package back fourteen years ago. So let's strip away what -- all of the fancy

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language and all of the euphemisms. What we have here is nothing more and nothing less than a very crass, brazen, and bordering on arrogant, attempt to simply impose a map and a system that is not wanted and, even more importantly, not needed in the collar counties for the purpose of simply ensuring the election of a -- of one political party, the Democrats. I wish it were different. I do believe that there is an opportunity to work, especially with the Latino Caucus, in -- in crafting districts that would satisfy the same problems that are perceived that were in existence fourteen years ago. Unfortunately, that is not the case. So I would urge my colleagues on this side of the aisle and some of the colleagues who worked with us, and very properly so, fourteen years ago to simply turn down this legislation, return it to the drawing board, work together and let's do the right thing and solve a real problem. And once again, I urge a solid and strong No vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Raoul.

SENATOR RAOUL:

Thank you, Madam President. I rise in support of this bill. I rise in support of this bill as one of the few Members in this Chamber and probably the only Member in this Chamber that has served on judicial evaluation committees in Cook County subsequent to subcircuits being brought to Cook County. And -- and -- and what the subcircuits created in Cook County is not just a increase in minority judges being elected to the bench, but it added the subject of diversity to the debate in terms of appointments being made. I heard the testimony at the Executive Committee with regards to there's been an increased opportunity for minorities to be appointed to the bench. That came as a result of the subcircuits being added to -- to -- to -- to Cook County. So the discussion of diversity -- became -- became something that needed to be brought to the table. So I disagree with my colleague that -- that -- that this is a solution without a problem. There is a problem. There is a problem. I practice in some of these counties. And I haven't seen people like -- that look like me. So I urge a -- a vote in support of this bill.

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PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Madam President. First, in regards to Senator Dillard, I -- I couldn't agree more with the way he talked about this process being so closed and without input. The Rockford hearing that was supposedly -- that occurred, that no legislator from any Judiciary committee showed up for was less than a open process. No judges were invited. No State's attorneys were invited. The Bar Association wasn't invited. We did not know about it. In fact, it happened to be the same night that the judiciary has their annual dinner, and so they didn't even know about this event. Those speaking at the event in Rockford, if you listen to the testimony, Representative Jefferson was told that this legislation was about adding new judges to our circuits, which clearly is in need because of the backlog of cases. Clearly even our State Representatives were misled as to what this legislation is. I guess a question of the sponsor. Whose decision was it to include Winnebago County and Boone County into this district?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield. Senator Link.

SENATOR LINK:

Would you repeat the question? They were informing me on some other question that I had asked them, the staff. So would you please be -- sorry about that, Senator.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Syverson.

SENATOR SYVERSON:

Be happy to. The -- the question was, is what -- and whose decision was it at the last minute to put Winnebago and Boone County in? And what were the concerns raised as the reason why we decided to put those two counties in and not other larger counties that are obviously between Winnebago and -- and Cook County?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

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I know that there was a request from -- one person that I know of, in -- in your particular case, was your Representative was one of those that was strongly -- approaching to have it put in, and I know he approached the Speaker to have that put in there. So, that's one of them I know. And he indicated there was a number of others. So that's all I can speak to on that particular case.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Syverson, do you wish -- your light's not on, so I didn't know if you wanted.. Senator Syverson.

SENATOR SYVERSON:

Thank you. Well, I guess the concern is that our Representative, Representative Jefferson, stated the purpose of his supporting this was because it was going to add additional judges. This legislation does not add any judges to the -- to our circuit. Is that correct?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

I don't think he ever was under the impression that this was going to add more additional judges to the district. I think it was the opportunity to -- elect the possibility of more minority judges to the area.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Syverson.

SENATOR SYVERSON:

Well, I think your staff probably has copies of the transcript in which he clearly stated over and over again that was the purpose. But to raise the concerns over this, let me just wrap it up - I think our Rockford paper really said it best about whether or not there's a problem here. And they say: We don't think so. This is -- this idea dropped on our area with no input from people who live here. This is an idea that increases the role of money and politics in the judiciary, a profession in which respect and -- and authority stem from a perceived independence from money and politics. Surveys by the organization Justice at Stake, a nonpartisan group working to keep courts fair and impartial, found the majority of voters believe that the donors to judicial campaigns result in

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preferential treatment from the bench. Half of American judges feel pressure to raise money. Electing subcircuits promises only to increase that pressure of bringing politics into what should be a clean and pure system. And that's unfortunate that we're taking a system in our circuit, in our district, that has worked so well and changing that system. So I rise in opposition to this legislation.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. It's been my privilege for the last twelve and a half years to represent the City of Elgin, as well as other parts of Kane and Cook County, in the General Assembly. And I've certainly learned a lot here. And I've learned a lot about my community. I come from a wonderful community that's a diverse community. It's about fifty percent nonwhite. We have a wonderful Southeast Asian component. We've got wonderful restaurants. We got a -- a very large and growing Hispanic population, a very old group of Cubans and a very large portion of Puerto Ricans. So it's -- it's -- it's a wonderful community. On our seven-member city council, we have two Blacks, a Hispanic, two women. So we're a diverse community and -- and we're proud of that. I was proud when I was first sworn into office a few months early to take my Oath of Office from Judge Keith Brown, the first-elected Black circuit judge in Kane County. So, as -- as -- when I first was on vacation and heard about this subcircuiting of Kane County, I thought, you know, that's not -- it's kind of an interesting idea; you know, maybe the Speaker or maybe, you know, or Terry Link are really onto something. And I was kind of intrigued, because we've had a hard time trying to persuade minority attorneys, who can very easily get very lucrative jobs in downtown firms or in corporations, to stand for the judgeship instead. So I thought maybe, you know, we're -- he's coming up with something. So I had the occasion to pick up the phone and call a couple of friends that I have -- know over at MALDEF to kind of see whether people had been consulting with them to see if they could draw this map in a way that was in the best interest of

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the minority community that I represent in Elgin, and to my surprise they hadn't heard of the effort. And then I -- couple days later I -- I had the opportunity to call Joshua Hoyt, who has been very, very active in the Coalition for Immigrant and Refugee Rights to -- to -- thought maybe he was the one that -- that Senate staff, Democrats maybe, were working with to try to make sure we had an equitable map. And I was -- he was surprised to find out that there was even an effort. When we had a chance to have our staff demographers look at it, and certainly they're no experts like there would be in some of the minority communities about this map, these maps appear to be cynically drawn not to elect Hispanic judges in my growing Hispanic community, but rather to elect Democrats. And, you know, I just don't think this is a process we have to rush. If the true intent -- if the true intent is to help better represent my community, then I should be entitled to have a map to take home and show to my community to let them give feedback, Terry. I mean, there's no Senate Bill 75 deadline that -- that -- that -- that leads you, or should lead you, to ram this through. So, I would urge you to take this bill out of the record. If we're going to do this, let's do this right.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR ROSKAM:

Senator Link, you indicated in the Executive Committee that one of the reasons that you drafted the -- the current map with white majorities was in anticipation of growth areas that you thought over a period of time - I think you said exactly in the next ten years - you anticipated that minorities would be moving into those areas in Lake County and that they would -- would do well under that map. Is that your testimony on the Floor today?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

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...I -- what I did is they are constitutionally correct now. And my statement is that potentially they do have the ability to grow into even a larger minority population.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Thank you. Well, you know, we've heard a lot today, in committee and even some on the Floor, about minority districts and minority participation. One of the things that is absolutely quizzical to me is how this map, which purports to do just that - create opportunities for minorities - has in Lake County, for example - this is your map, your district - Lake County, your first district, is a sixty-percent white district; the second district, a sixty-three percent white district; third, eighty-five percent white; fourth, ninety-one percent white; fifth, eighty-eight percent white; and the sixth district, ninety percent white. The same is true in the Kane/Kendall/DeKalb version - the first district, sixty-nine percent white, number two is seventy-four, number three is ninety-four, and number four is ninety percent white. You know, if the experience of the Members of this Senate, for example, are any example of the success of minorities in the political process, we don't have to look any further than the colleagues with whom we serve. Of the nine African-Americans who we serve with as Senate colleagues today, eight of them come from minority majority districts. Of the four Hispanics that we serve with, all four of them come from minority majority districts. So, the notion that this is about creating opportunities for ethnic groups is really a specious argument at best. What this is, boiled down to, at its raw -- is just the raw assertion of political power. This is not about electing Hispanics to the judiciary. If you were about electing Hispanics to the judiciary, for example, you would adopt the map that we presented to you in the Executive Committee, which creates a -- a Hispanic district, a Hispanic-Black district in Lake County, and creates two Hispanic districts in Kane County. Yet that -- that has been rejected. You know, we -- we are here contemplating counties that have been in existence -- Kane County came into existence in 1836; DeKalb in 1837; Lake in

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1839; and Kendall County in 1841. And now, in the twinkling of an eye, we are going to be asked to make decisions, not that have the consequence of one year, which is so much of what we do here - one budget year and we can come back and remedy that later. Oh, no. We are now setting into motion a -- a train that will not stop. And rather than pausing, rather than reflecting, rather than saying, "You know what? The -- the other folks on the other side of the aisle have a decent idea here. Why don't we consider what they have to say?" Oh, no. Oh, no. Within ten days, by the sponsor's own admission, within ten days this map was put together, which has all the details. Track 1.0/Block 2.05...

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam, a lot of those have been brought up. So, please, if you could, bring your remarks to a close.

SENATOR ROSKAM:

Thank you, Madam President. Here's the point. This is ridiculous. The bottom line is - let's not kid ourselves - this has nothing to do with electing minorities. Nothing. This is all about electing Democrats. And if you want to do that, God bless you. You're in control and you have the ability to do it. But when you send your press releases be sincere about it and tell people in the Chamber of Commerce meetings, tell the Bar Associations, tell the judges what you're really doing. Don't be phonies about it.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Watson.

SENATOR WATSON:

Yes. Thank you very much, Madam President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR WATSON:

Senator Link, can you tell me why St. Clair County, since it has somewhat of an equal population to some of the counties being considered, is not being considered at this time with judicial subdistricts?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

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SENATOR LINK:

Yes, Leader Watson, the same thing I said in Executive Committee. In the original bill, in Senate Bill 75, I put it in the bill, along with DuPage County. I put it in the bill. Upon your request, I put it in the bill. It then was deleted in the House. And when it came back, we voted on concurrence of what was deleted in the House. It hadn't been added. I had said if Senator Roskam and I want to cosponsor a bill, I'll be more than happy to put the Metro East and DuPage back in a bill if you want to do it.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Watson.

SENATOR WATSON:

Yes. Thank you. Would you consider this special legislation then?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

No, I would not. All the lawyers that we have contacted - this meets constitutionality.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Watson.

SENATOR WATSON:

Well, just for the Members' information, the St. Clair County area, we can create a minority district there of roughly -- sixty-seven percent in St. Clair County. And that would be sixty-four percent African-American and around three percent Hispanic, for a sixty-seven percent minority district. A majority minority district, which obviously would more than likely elect a minority to the position in the judicial. Now, I've talked to the Mayor of East St. Louis, who would be a part of this subdistrict that would be created, and his name is Carl Officer. And Carl Officer is very supportive of creating a subdistrict. And if there is an outcry, if that's what we're supposedly hearing, if there's this outcry in these counties that want -- that they're being considered here tonight, there is certainly one in St. Clair County. And if that was the true meaning of what this was all about, if that's the true meaning of the fact that, just as Senator Roskam has said and others

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have said, that this is about minority and -- minority consideration and giving them an opportunity to be a part of the judicial system in these various counties, then -- then St. Clair County would be on the table. St. Clair County would be considered. Senator del Valle mentioned in committee, in the Executive Committee, that he had not seen the map that was being presented in committee and we are discussing here tonight. I think, personally, I respect Senator del Valle as a leader. He is a leader. He's an Assistant Majority Leader and I respect him as a leader of the Hispanic community in this State. And for him not to even be considered or -- or counseled in regard to this map -- says volumes -- volumes to, I think, the sincerity of the effort of what is being done in the -- in the name of minority. And as you said in committee, Senator Link, here's your quote exactly, "What this is all about is creating equal and better representation of diversity throughout the area." That's not what this is all about, not at all. It's about hardball, cram-it-down-your-throat politics that we're experiencing here unfortunately in the latter days of this Session when, in fact, as has been mentioned previously, and even tonight we've talked about it, there is no need for this. Senator del Valle, you were right in committee. You were right when you said, "Why not wait?" We can do that. There is no urgency. There is no need to move forward. This could be done at a later time. And it could be done with real representation of what the interest of the minority community is all about, and not about the hardball politics of just creating judicial districts for more Democrats. That's what this is. I urge a No vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator del Valle, since your name was used in debate.

SENATOR DEL VALLE:

Thank you, Madam President. I was involved with the creation of the Cook County judicial subcircuits back in 1989. As a matter of fact, I was one of the plaintiffs in a voting rights case that was brought, and it was the case that set the stage for us to legislatively create the Cook County judicial subcircuits. And in order to do that, I had to take on my own party. I had to take on the Senate President at that time and

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we had to take on the Speaker, because there was resistance in Cook County. In Cook County they were very happy with the system that allowed for Hispanics and African-Americans to virtually be locked out of the judiciary. We were able to change that by creating the subcircuits. Here, we have an opportunity now, in this Legislative Body, to do the same thing that we did in Cook County outside of Cook County for the purpose of ensuring that minorities, particularly African-Americans and Hispanics and women, have an opportunity to be elected. And so, I commend Senator Link for his hard work on this bill and I certainly agree with the intent, having been a strong proponent since 1989. And is there politics involved in the selection of judges either -- even under the subcircuits? Of course there is. Of course there is. There's Republican politics and there's Democratic politics. My concern about this particular bill is that we have a map that I think we could do better with. It's taking us in the right direction and the map is almost there, in my mind. But I think we could do better with it. And that's why I raised those issues. Now, am I saying that your map, as proposed, is better than the map that we have put forth? I'm not saying that. I haven't had a chance to look at it. I only saw this map today for the first time. And so I ask the question, can we do this within the next few weeks? Is there a time constraint here that's keeping us from moving this forward? Senator Link wants to proceed and I respect the sponsor. I have a lot of respect for Senator Link. And I think Senator Link, more than anyone else, is committed to ensuring that Hispanics and African-Americans have an opportunity to be elected to these offices. He is sincere and he has proven that through his track record in his own county. But I don't know what we have in Kane or Elgin or other counties. I certainly appreciate Senator Rauschenberger's words, but the fact of the matter is that the track record is not there on the Republican side of the aisle for supporting minority candidates. It's not there. It's not there. I hope that changes so that we could put some action behind those wonderful words. And I know you're sincere about your words, but I'd like to see the Republican Party get behind some Hispanic candidates and African-American candidates for the

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judiciary. That would be great. You see. But -- but until the day comes when we can have a perfect system and use merit as a way of electing judges, which is really what we should be doing, but we're far from being there because there's just no system that allows equal opportunities, and as long as there's no system that allows and ensures equal opportunity we have to go to the subcircuit route. And that's why I stood up in committee and said, I have a concern about this map. Very uncomfortable, Senator Link, it was very uncomfortable for me to do that. I wish I would not have been placed in this predicament, taking on my own respected colleague on a map. But I don't hold you responsible for that. And so, for my colleagues on my side of the aisle, my issue, for the record, is that I think we could do a little bit better and in the process of redistricting - and I've been involved with three rounds of redistricting - we always come up with exhibit A, exhibit B, map one, map two, map three, and we work towards a consensus and we get it done. Now, is there going to be a bipartisan support for a map? I -- I doubt it very much, given what's at stake here, given the overall numbers. But, the fact of the matter is that we ought to make sure that the people that we say we're doing this for, Hispanics and African-Americans, are at the table when the maps are drawn. That's my issue.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jones.

SENATOR E. JONES:

Thank you, Madam President. I rise in support of Senator Link's map. I listened to the debate as relate to this issue. I'm surprised the issue as it relate to electing minorities coming from the other side of the aisle. 'Cause I don't see it reflected in that Body over there. One having the possibility of winning does not necessarily indicate that it has to have a majority. Roland Burris got elected statewide, with only about thirteen percent African-Americans. Jesse White won statewide; carried every county including DuPage County, statewide. Barack Obama just won an election this past November, even carried Republicans, statewide. In a district -- in a district, if you've got forty, forty-five, fifty, sixty-five, you do not necessarily have to have majority to win. In committee the

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Minority Leader indicated that we support minorities. But just because you're African-American, just because you're Hispanic don't mean the voters are going to respond. The next chairman of the Republican Party, Alan Keyes, proved that. Blacks didn't vote for him, and he was your candidate, Minority Leader. You picked him. But it'd be nice if you were sincere in what you're talking about. It would be reflected in this Body. It would be reflected in the diversity. Like Senator Miguel del Valle, I've been through several maps. I know what packing is all about. When you pack everyone into one district then you lessen the opportunity for them to have influence in any district. It's called packing, when you're talking about the old snow coat, that -- that term was -- was used in federal court when we were doing the legislative map. So when you have little kids, you buy 'em a coat too big and they grow into the district -- they grow into the coat. Sometime when you draw legislative maps you do the same thing when you're looking at demographics. But just because a district has forty-five percent minority population does not mean -- it does not mean that the voters will not pick the best candidate. The voters have demonstrated that time and time again. If that were the case, it has to be a majority, Senator Barack Obama would never have ran for the U.S. Senate. Because you're voicing your concern that only a minority has to have majority in order for 'em to win, and just because someone is -- that look like Rickey Hendon, don't mean that the voter's going to vote for him. There is a process, and the process is, if we want to amend the bill further we can do that. It was my -- under my assumption that everyone was involved in the -- in the joint hearings on this map, and should have been involved in it so all those issues could have been addressed. That's why they had the public hearings. It was not done behind closed doors. Perhaps when another vacancy occur on the other side of the -- the aisle over there, perhaps -- you keep talking about appointments and so forth, perhaps someone of color will be appointed to fill one of the vacancies over there. Then I'll say, you are genuinely sincere about what you're talking about. The proof will be in the pudding. We have never passed a perfect piece of legislation. But one thing I know about subdistricts, if in that district, you got this strong voice in

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that district, you can rest assured that the voters in that district going to vote for the best candidate in that district. It enhances the chance of the individual to get elected. But if you pack 'em all in one district, they have no influence in any other district. And that's a terrible way to draw a map. I -- I -- I -- I went through this process even in the last map that we drawn. And you had Members on your side of the aisle and Members appointed to the commission to deal with drawing the map, and you wanted to do the same identical thing that you're advocating here. Pack them all in the district. This way they will have less influence on the entire process. And some of the minorities, some of the Blacks, they oppose the way we -- we drew it, because they had -- we had diversity in the district. Sitting right down here, he called me early one morning raising holy heck about his district 'cause there wasn't enough Blacks. Well, I said, Well, the Chinese are people too, and they need to be represented in this General Assembly. But I didn't see one proposal that came from the other side of the aisle, other than one that would reduce the influence of electing minorities. They wanted to pack everyone in their district, the same way you want to do the -- judicial subdistricts. But it should be reflected on the other side of the aisle, your -- your points of view and your concern. And perhaps when a vacancy occur on the other side, you'll reach out -- and you will say, "Hey, let's put a Hispanic in that district. Let's put a African-American in the district -- district." That has not happened. That has not happened. And I believe you went all the way to -- to Maryland. And to prove my point, to bring in Alan Keyes thinking that the intelligent voters would vote for him, they did not. They did not vote for him. So having a person just because they happen to look a certain way does not mean that, if the people look like him in the State, he's going to vote for him. You can have a sixty percent African-American district, if he's not a qualified person in the district, he's not going to get elected. One day we will draw a perfect map - a perfect map. And we intend to pass many perfect pieces of legislation next Session of the General Assembly. And I know you will all be in favor of that. But until such time we're able to do that, we will draw this map. We can come back and we will -- can

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amend this map. I'm committed to doing that, but I believe one should have the power to impact any judicial candidate in the district and not just in one district. We can make the necessary change. I -- I -- I solicit an Aye vote on this map, and as we move forward, we can move toward correcting any inequities that we -- that exist in this particular map.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link, to close.

SENATOR LINK:

Thank you, Madam President. There obviously has been a lot of debate on this issue and a lot of heated discussion. There's been a lot of interesting discussion. Some of it's been kind of personal towards me that I feel a little hurt about, when it talks about not feeling for minority representation. Let me take you to Lake County some time. I gave you the first minority State Representative in the collar counties because I drew the map and that minority Representative is in my Senate district. I challenge anybody on that side to have the courage to do that. I've elected minorities on the county board, because I've worked to do that. And then when I'm talked about and said it's politics. Well, let me talk to you about politics. On the request of that side, when the original Senate Bill 75 was put together, I didn't have the Metro East area in there and it was added. "Well, if you want to put this, it's all Republican areas, put the Metro East in there." I said, "Okay. I'll put the Metro East in there." I put the Metro East in there. The bill passed out of here with forty-some votes. That obviously means we had about ten Republican votes. When it came back from the House, they deleted DuPage County, which happens to be a quite Republican county, and the Metro East area. What happened? All the Democrats still voted for concurrence even though that Republican county of DuPage was deleted. But lo and behold, because the Metro East area was deleted, none of the Republicans voted for that bill again. So subcircuits all of a sudden became bad, because the Metro East area wasn't in it. They were okay before. But that's not politics. Politics is only when I do it, and when it's supposedly Republican areas. That's politics. But when the Democratic area was in it, it was okay, that wasn't politics. Wake up, Ladies and Gentlemen. I'm

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tired of hearing the argument of ramrodding. I wasn't just sworn in yesterday. Had I been, maybe I would have believed a little bit of this ramrodding. We've had hearings on this - November, December, January. If you weren't at the hearings that were publicized, shame on you. That wasn't my fault. We publicized the hearings. You had the opportunity to be at the hearings. That's more than you could say about a lot of bills that are passed out of this General Assembly. I've been here long enough to know what ramrodding is like. I know when I'm handed a budget at quarter till twelve on my first Session that's this thick - that's when we used to vote all on at once, at quarter till twelve at night - and said, vote Yes or No, because that's what your opportunity is. Never had a chance of seeing anything, not even an analysis, nothing, because our staff didn't get it until 11:30. And they're good, but they're not that good. So I know what ramrodding is. This is important legislation. We passed Senate Bill 75 a year and a half ago. We're concurring with the map that we did. We had the hearings. They're legitimate hearings. We had people there. We had judges. We had elected officials. We had lawyers. We had people of concern. We had people talking about this. We are giving minorities an opportunity to get elected. When we talk about Lake County, which I'm very familiar - I was born, raised and I'll probably die in Lake County, if I don't die on the Senate Floor when I talk about these bills - I've had the opportunity of seeing that county change. But for a minority - and, Senator, I'll check on your math in a little while; I'll show you some of those math figures - but for a minority that there's nine percent African-American and thirteen percent, roughly, Hispanic in the entire county, you figure out the math of how they're going to get elected countywide. And before this bill, it was two counties, because it was Lake and McHenry. Now we made it into subcircuits for one county each. And we divided Lake County into six districts. So they went from approximately almost a million people to a hundred thousand. I think their chances increased considerably. So, don't tell me or lecture to me about giving minorities an opportunity to get elected. Until you come up and see what we've done in Lake County to give

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opportunities for minorities, don't preach to me. I ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall House Bill 949 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 25 Nays, 1 voting Present. And House Bill 949, having received the required constitutional majority, is declared passed. On -- Senator Link, I'd love to give you a break, but unfortunately House Bill 4241. Do you wish to proceed? Okay. Then with leave of the Body, we'll return to House Bill 756. Senator del Valle, do you wish to proceed? Madam Secretary -- Senator del Valle seeks leave of the Body to return House Bill 756 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 756. Madam Secretary, are there any amendments approved for consideration?

SECRETARY HAWKER:

Yes. Floor Amendment No. 2, offered by Senator del Valle.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator del Valle, to explain your amendment.

SENATOR DEL VALLE:

Thank you, Madam President. This is the Childhood Hunger Relief Act. It amends the School Breakfast and Lunch Program. This bill has been here a number of times. It was sent over to the House. The House amended it to establish an appeal process for schools that want to opt out. The appeals process that the House established was one that we didn't agree with over here. We questioned the constitutionality of that process, and so we've come up with a new amendment that has an appeals process in it that allows the school district or school that wants to opt out of the breakfast program to be able to make their case by appealing to the regional superintendent and then up to the State Board Superintendent if they're not in agreement with the regional superintendent. So what I'll do is, I'll stop here and then respond to questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Is there any discussion on the amendment? Senator del Valle moves the adoption of Amendment No. 2 to House Bill 756. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR HALVORSON)

3rd Reading. Now on the Order of 3rd Reading is House Bill 756. Senator del Valle, do you wish to proceed? Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 756.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator del Valle.

SENATOR DEL VALLE:

Okay. Thank you, Madam President. Again, this is the school breakfast bill that's been around for some time. It would -- it states that in districts in which at least forty percent of -- or more of the students are eligible for free and reduced lunches, that the districts shall implement and operate a school breakfast program, but it allows school districts to opt out if they can make the case that the costs of implementing the program exceeds the amount that they will be reimbursed. There are some federal dollars involved here. As a matter of fact, ninety-one percent of these breakfast programs are federally funded. The question was asked, how many school districts currently do not provide breakfast would be affected by this? We're talking about three hundred and fifty schools approximately. And there is an incentive program that we put into place some time ago that would assist school districts in the process of implementing a school breakfast program. Again, research has shown that when kids are properly nourished, particularly in the morning with breakfast, that they do better on tests. They do better academically. I think it would be a great way to start the new year by saying that this legislative

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Body supports ensuring that youngsters have breakfast available to them before they start their school day.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Madam President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR LUECHTEFELD:

Senator, I -- presently there are -- there is a federal program out there that a school can be part of if they want to be. Am I right about that?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator del Valle.

SENATOR DEL VALLE:

That's correct.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

I guess my problem has to do with, you know, we elect local school boards to do that, to make that decision. I mean, it's there for them. These people who live in those districts that you feel we need to tell them they have to have breakfasts, why wouldn't they do it? I mean, obviously not a lot of 'em have done it. We're not happy with that, therefore we're going to come along and say now you have to do it. What other areas do you want to tell that school board what they have to do? Why wouldn't we elect maybe somebody else if that's such a bad thing that these people are doing? Why don't we let local people if they want to be part of this program to be part of it? Why must we come along -- and that's -- you know, it -- it always sounds as if, when you speak against something like that, you're against the children. You know, you don't want to feed them breakfast, all those sorts of thing. And that you don't have any compassion. That's not the case. This is a -- philosophical thing that basically says if school -- if the program's there, if people want to take advantage of it they can. Why should we as a Legislature tell them they have to?

PRESIDING OFFICER: (SENATOR HALVORSON)

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Senator del Valle.

SENATOR DEL VALLE:

Well, I guess I could ask the question, why don't we allow school districts to decide whether they want to inoculate kids or not? We decided that it's a public policy matter. It's a health matter. And I think nutrition is -- is extremely, extremely important. But I also want to say that -- that there was some opposition to this initially on the part of some of the schools because they were concerned that they would not be able to cover all the costs. The concern was primarily around cost. There was confusion as to whether or not the additional cost of transportation, for example, would be covered. All of that has been cleared up. And with the appeals process that has been put into this bill, that was not in the bill that we sent over to the House - I want to emphasize that; that process was not in the bill that we sent over to the House - school districts that can prove that the total cost will not be covered, those are the school districts that then will be able to -- to opt out of this program. So, I think we've taken care of just about all the concerns that were raised out there initially.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Who will make that decision - the State Board? - that they will -- they can opt out?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator del Valle.

SENATOR DEL VALLE:

The regional -- they will appeal to the regional superintendent. If -- if -- if -- if they're appealing to opt out and the regional superintendent doesn't agree with them, then there's another step that they can go to and that's the State Superintendent. So they have two shots at this to make sure that -- that it's being done correctly.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

So you're saying that every year they have to -- they have to go through this process. And again, all -- are you saying

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that all they have to show is that, you know, not all of the costs we can't cover are -- are -- are covered by the federal government? That's all they have to show and automatically they're out of it? I really doubt that that's going to happen.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator del Valle.

SENATOR DEL VALLE:

The appeal for opting out would be based on -- on the cost. That's right. If we cannot cover the cost then their request to opt out would be granted.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

You know, again, I -- I -- I don't -- I don't deny that you're trying to help kids. And -- and -- and there's a lot of people on this side of the aisle that'd like to do that, too. I -- I just think that the opportunity is there for communities. And -- and for the life of me, if those communities believe that this is good for them, I cannot, for the life of me, figure out why we have to come along and tell them what's good for them. We -- those people are elected. Those people serve those -- if -- if they're not doing a good job then someone ought to come along and -- and elect someone else. And it's just a philosophical thing that I -- I'm sorry, that I just can't quite understand.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon. Okay. Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I'd like to speak to the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Sure.

SENATOR LIGHTFORD:

Thank you. You know, the previous speaker just made a lot of excuses up for the reasons why he does not feel it's important to support this relief Act for hungry children. It makes absolutely no sense that there would be any No votes against legislation that feeds children and does not take anything from our pockets here in the Illinois General Assembly.

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It's not affecting your General Revenue Fund. It's not affecting your State Board account. Nothing. This is a federal program. This is federal dollars that's coming to the State to say, "Hey. We understand there are hunger issues and we want to help address children so that once they arrive to school they are prepared and ready and able to learn." And you know it bothers me, in committee -- Senator Luechtefeld spoke in committee. You know, first we're going to feed breakfast, then dinner is next. You know, if you're not hungry, that's a blessing. But there are so many children are -- and they're not being blessed. And we have an opportunity to exercise our authority to make sure that happens. If the local school board isn't doing their responsibility, so be it. But why not take a stand here? Take it a step further and ensure that children across the State are fed daily so that when they arrive to school they are prepared. It's full of excuses and it really bothers me and it's -- it's -- it's no compassion, in fact, that you would allow such legislation not to make it past this Chamber when it does not affect our General Revenue Fund in any way. And I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon. Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR RIGHTER:

Thank you. Senator, I want to talk to you a little bit about the process you've got laid out in the bill. If a school district comes to the conclusion that it's -- it would be more expensive to administer the program than the dollars they're going to receive to pay for it, then what exactly do they do?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator del Valle.

SENATOR DEL VALLE:

Okay. What this bill allows for is for the school district to petition its regional superintendent to request to be exempt from the school breakfast program with a petition including all

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legitimate costs associated with implementing and operating the program, the estimated reimbursement from the State and federal sources, and any unique circumstances the school district can verify that exists that would cause the implementation and operation of such a program to be cost-prohibitive. That's what the bill says. So they would basically make their case and then that would then go to the regional superintendent of the schools who would review the petition and convene a public hearing to hear testimony from the school district and interested community members of the school district regarding the reasons why the exemption was granted or denied. Now, if the school district is not satisfied then with the regional superintendent's determination, then it permits the school district or a resident of the district to appeal the decision of the regional superintendent to the State Superintendent. Obviously, there are plenty of opportunities here for the school district to make its case. And my guess is that when the school district makes its case indicating that they cannot afford this because the costs are not covered, that then they would be allowed to opt out -- of the program. That's what the intent is here. And the process and the procedure is spelled out in the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. So, the petition goes to the regional superintendent of schools, a public hearing is held and the regional superintendent decides that the school district has calculated their costs wrong and says, no, you are not exempt out of the program. Then you're saying -- I understand that the school district can then appeal to the State Board of Education. If the regional superintendent agrees with the school district, can someone else who took part in the hearing appeal that to the State Board? I mean, is there an appeal of both sides, Senator?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator del Valle.

SENATOR DEL VALLE:

No. The regional superintendent's decision is -- is final.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

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SENATOR RIGHTER:

In -- in doing the public hearing, does the regional superintendent have some kind of investigative authority to try to determine whether or not the district's numbers are right? I mean, it's either -- I would think that it -- when it comes to paper, it's either going to be here's your cost and here's what you're going to get. It's either more or it's less. I mean, I don't -- you see what I'm saying? I don't see what the dispute would be over.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator del Valle.

SENATOR DEL VALLE:

I understand exactly what you're saying, Senator, but I -- knowing you, I don't think you'd want every single detail spelled out in this bill because you know that there are administrative procedures that address those kinds of details in terms of -- of process. And so I -- I -- I -- I don't understand why you would want to spell out every single detail in a bill, which we never do. I -- I don't understand that. You're -- you're one of the individuals who, I think in the past, has criticized that.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

...advocating for anything, Senator. I'm just asking a question of what's in the bill. Here's my concern, is that doesn't the requirement that you're going to place upon the school board that they prove their case to the regional superintendent, in fact, a statement that you don't believe that the school board members in that district - and for me, it's thirty-four school districts - don't care enough about the children in that district to be able to make the statement themselves. They've got to go prove it to an independently elected official. I mean, why are we requiring to do that, rather than sign a certification statement and send it to the State Board of Education? Why are you requiring the -- file more paperwork, lay out more dollars, to demonstrate every single year that this is going to cost more than -- than what they'll get in?

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PRESIDING OFFICER: (SENATOR HALVORSON)

Senator del Valle.

SENATOR DEL VALLE:

I -- I think we've laid out in the bill a very simple process that I think will not be complicated, that I don't think will translate into a ton of paperwork, number one. Number two, Senator, this comes down to you're either for it or you're not. You're either for breakfast for children and allowing the State to establish a public policy the way Legislatures have established policies regarding inoculations and other things that are important - school physicals and other things that are important - for the well-being of the children. You're either for it or you're not. I -- I can't argue those technicalities with you when you know that the intent is to ensure the health of children in our State. That's the intent.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

To the bill, Madam President. Thank you, Senator del Valle, but I disagree. This is not as simple as, gee, do you want to feed children or not. This is a tragic appeal to emotion. And it lies -- this bill lies on the premise that you can't trust the school board members, many of whom put in long hours at expense to themselves - volunteer, get no money out of it to serve on a school board, sit through negotiations with teachers unions, and do all these things. And they're there because they get the headlines, not there because they trust the children. And that is ludicrous. That is ludicrous. They're not going to get one -- Senator, they're not going to get one extra dime out of this program. You're not giving 'em one dollar. All you're doing is requiring them to spend time and money appealing year after year that this program won't work for them. And that takes dollars out of the classroom, because they're not getting anything else out of this. This is about a truly unfunded mandate. And if we're going to show this kind of distrust and disrespect to the local elected school board members, then let's just get rid of 'em and let's run the eight hundred and ninety-some school districts on our own. Thank you, Madam President.

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PRESIDING OFFICER: (SENATOR HALVORSON)

Senator del Valle, to close.

SENATOR DEL VALLE:

Senator, first of all -- first of all, this is not an unfunded mandate. The costs are covered, if the costs are not covered, they don't participate, period. I can't put it any simpler than that. It's not an unfunded mandate. And, Senator, let me tell you what is tragic and what is ludicrous. I'll tell you what is tragic and what is ludicrous. What is tragic and ludicrous is that in October of 2003, Illinois was ranked forty-eighth in the nation - forty-eighth in the nation - in providing school breakfasts to low-income children of families who meet the criteria for free and reduced lunches. Qualified, eligible families - we rank forty-eighth. That is tragic. That is ludicrous. It's tragic that we are not making the correlation, and accepting the correlation, between adequate nutrition and a child's ability to perform while in school. That is tragic. That is ludicrous. And that's what this bill attempts to do. I think we certainly respect local authority. And we certainly respect also the role and the responsibility of the General Assembly to set good education policy in this State. And it's about time that Illinois caught up with all those other states, all those forty-seven states. It's about time we caught up with them. And that's why I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall House Bill 756 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Yeas, 23 Nays, none voting Present. And House Bill 756, having received the required constitutional majority, is declared passed. The Prairie Flame and WICS seek leave to photograph or video the proceedings. Is leave granted? Leave is granted. We will now be going to conference committee reports on Senate Bill 3186. Madam Secretary, do you have on file a conference committee report on Senate Bill 3186?

SECRETARY HAWKER:

Yes. First Conference Committee Report on Senate Bill 3186.

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PRESIDING OFFICER: (SENATOR HALVORSON)

The -- the Chair recognizes Senator Ronen.

SENATOR RONEN:

Thank you, Madam President. I rise in strong support of this Conference Committee Report. This is an issue that has been debated over the -- the last years in the House, and in the Senate, in -- in committee. I voted for this twice as a House Member. Passed the House twice in the last twelve or fourteen years, and it's really time for the Senate to stand up and take a position here. This bill sets forth a very simple premise, and that is, everybody should be afforded equal protection under the law. That is all it is. It does not infer or confer special privileges. It does not lead to anything else. It's only about saying that we in Illinois are saying no to discrimination. I am proud to be the sponsor. This bill is -- is supported by many different religious organizations, by labor groups, by many business groups. Editorial boards throughout the State in the last months and years have editorialized in support of this. Fourteen other municipalities, at least, already have this as the law. It's -- but it's not right that somebody can live in a part of the State that is not covered and they are not afforded these same basic protections that everybody has a right to receive as a citizen of this country and a citizen of this State. I urge for my colleagues to join with me in support, and I'm glad to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. To the bill. Ladies and Gentlemen of the Senate, you know, I don't consider myself especially qualified to make the moral arguments regarding the practice of homosexuality. I'll let the Reverend Senator James Meeks instruct us from the Bible, as I've had the privilege to witness him do so constructively with his congregation back home, nor will I make any of the natural law arguments on this subject. Perhaps more intellectually sophisticated Members of this Body, like Senator Peter Roskam, could address these concerns. And I won't even make the public health arguments based on the considerable statistical evidence that the practice

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of homosexuality is correlated to lower life expectancy. However, I would like to address the small business practical hiring argument against adding sexual orientation to the burden of what an employer already is required to do when he or she tries to create a job in Illinois. I serve two hundred small business owners and their families, for more than twenty years, doing their accounting and tax work, so I bring an intimate familiarity of how hard it is to make these decisions without even further complicating the process. For example, when I hired a bookkeeper in my accounting practice, it was difficult enough to predict whether the person would be able to add the column of numbers and treat my clients like human beings without trying to figure out what someone's sexual preference was. As a small business employer, I'm not even allowed to ask someone's age; yet, under the practical implementation of this bill, I could get a telephone call from a lawyer three days later, telling me that I'm being sued because I didn't hire an applicant because of his or her sexual preference. Aren't our lives complicated enough? There are times when the unintended consequences of our legislative actions cause more harm than good. For example, we increased pension benefits for teachers and public -- other public employees and unintentionally nudged the entire State closer to bankruptcy with thirty billion dollars of unfunded pension liabilities - the worst record in the nation, by the way. In another example, the sponsor tells us that legislation will merely ensure access to -- mental health care for children in Illinois, but when the commission's report is released, it calls for mandatory mental health screening for every pregnant mother and every public school student in the State. We don't mean to do -- more harm than good by our actions, but sometimes we do. The Senate Bill 3186, the old House Bill 101, is another example of overly burdensome, unintentional consequences. Please vote No.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President. Move the previous question.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Thank you. There are one, two, three, four, five speakers.
Senator Link.

SENATOR LINK:

Thank you, Madam President. Just a quick statement. First of all, I want to commend the sponsor for the hard work and the diligence that she has done to bring this bill to where it is, what it is today, and that's an anti-discrimination bill. It's a bill not about what it's being portrayed to be in talks with people trying to portray this bill as something that it's not. We just went through a debate, which I was part of, about worrying about minorities, that they be represented in a way that they should be and to make sure that they get an opportunity in the way they should be, and it's -- basically what they were trying to say is that people should be treated fairly. And basically what this bill is doing is that exact same thing, it's treating people fairly. And that's all it is doing, is treating people fairly. People should have the opportunity in this State and in this country to be treated fairly. You don't have to condone someone's lifestyle. No one is asking anyone to condone a lifestyle, but you should not mistreat an individual. You should not tell people that they cannot live there because of that lifestyle. This is discrimination. I don't think anybody in this august Body wants to be accused of discriminatory action. I think we all feel in our hearts that we want to be fair to one another. I feel very strongly about this bill. I feel that everyone in this Body should be voting Aye.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. One of the previous speakers raised the issue about morality with regard to this bill. I actually was very interested in the position of my own church. I happen to be a Roman Catholic. I actually had a two-and-a-half hour meeting with a theologian and a lawyer, a lobbyist for the Catholic Conference, recently, to talk about this bill, and I believe that there might be somewhat of a misunderstanding as to what this bill is all about. Previous speaker talked about homosexual activity. This bill isn't about homosexual activity at all. The activity that's

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addressed in this bill is a landlord or employer saying you can't -- "I'm not going to rent an apartment to you," or "I'm not going to hire you." That's the activity this is aimed at. And after talking to that theologian, the Catholic priest, he concurred with me that that discrimination is immoral, and that's what this is trying to address. Now, as far as your concerns about there being a whole bunch of lawsuits filed throughout the State of Illinois, you know, in a way - in a way - it's not that big a deal, this bill. We have this law in Cook County. Last year nine cases were filed. And in Chicago we have the law as well. You can file with the Chicago Commission. Forty were filed. And that's -- represents forty-five percent of the State. There's not going to be a lot of lawsuits filed because, hopefully, there's not going to be a lot of discrimination going on in this State. But I'll tell you one thing: If it's not that big a deal 'cause people don't discriminate, just think if you're gay or if you have a son who's gay or a daughter who's a lesbian and they have to go and try to get an apartment and somebody says, "You know what? We just don't rent to people like you." It's wrong. Two-thirds of the people in this State know it's wrong, from throughout the entire State, and that's why, finally, we should finally pass this bill. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Roskam.

SENATOR ROSKAM:

Thank you, Madam President. This is a matter of the heart, isn't it? This is one of those issues that we all sort of dig way down deep on and we've all thought about, and the fact of the matter is, probably, our conversations today are really more to benefit ourselves than really to influence one another. Senator Ronen and I have known one another for a long time. We've come in and our names are close in the alphabet, and those of you who know us know if you hear Roskam, it's usually Yes, and Ronen No and vice versa. And when one's been in the Majority, the other's been in the Minority. And I respect her. I know that she's worked very, very hard on this issue, but I rise as an opponent today - not as an opponent of the spirit with which she's embodying and the commitment that she's raised,

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but with the consequence that I think will happen as a result of this bill. Rick Garcia, who is a leading gay activist and lobbyist, was before the Senate Executive Committee. This was back in February of 2003. And any time you deal with these types of issues, you're really dealing -- as -- as legislators and as lawmakers, we've got to think about the long-term consequences, and so, what are the consequences about the details of the legislation, not the emotion of the legislation. One of the questions, and I had our staff transcribe it for me so that I'd accurately characterize it today, I asked Mr. Garcia, "What about a cross-dresser? Would that person in the activity or behavior of cross-dressing, would that person be protected?" The answer, "Yes, sir." Then I asked: "Yes?" And he said, "Yes." So then that drives us to the question of, what is the detail of sexual orientation. In other words, what's the definition? And I think -- I would submit to you that this can mean a lot of things depending on who you're in front of and what judge you're talking to. This is the entire definition that you're being asked to rely on today: "'Sexual orientation' means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity" - that's a buzz phrase that I think we've got to be very, very mindful of - "whether or not traditionally associated with the person's designated sex at birth." The question becomes, what is the impact on business as it relates to dress codes and the assertion of, "No, you can't put that dress code on me because I have a different gender-related identity." So, I think the ambiguity of the definition is our first problem with the bill. The second problem with the bill is it is silent as to a real religious exemption. There's a religious exemption built in the Human Rights Act already as it relates to the use of -- of properties and transferring properties and so forth, but there is no religious exemption in this bill. So, to give an example, if a Lutheran youth minister comes to a Lutheran church and says, "I -- I am applying for this position as your youth minister and I am a homosexuality {sic}," if this bill passes, because there is not a religious exemption in it, even though the church may have a moral objection to that lifestyle, they would be under an obligation to hire that person. I think this is flawed on its face as it

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relates to the Dale versus Boy Scouts decision and it is a situation that has not been well-contemplated by those who have drafted the bill. Finally, what used to be one of those "Oh, you've got to be kidding me" arguments three years ago when people would say this -- three and four years ago when people would say, "Well, I'm concerned about this bill because it's related to gay marriage," people would roll their eyes like my fourteen-year-old daughter rolls her eyes when she's tired of hearing me. "Oh! That's absurd," they'd say. "Are you kidding me? Gay marriage? That'll never happen." Well, what did the Massachusetts court do? The Massachusetts court relied, in part, on this exact language as the fundamental underpinning of their finding of the right to a gay marriage in the Massachusetts Constitution, even though, even though the underlying bill had a "protection" - I'm saying that in quotes - that said this -- the Massachusetts statute said this: "Nothing in this Act shall be construed so as to legitimize or validate a homosexual marriage." You know how much that meant to the Massachusetts Supreme Court? That much. It had no restraining influence whatsoever. So, to vote Yes and to say, "Oh, listen, I just voted for this very narrow thing," oh, no - oh, no - you're voting on a much, much, much bigger agenda than that. Stand up, do the right thing. Do what you need to do, and that's vote No.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Ronen, to close.

SENATOR RONEN:

Thank you, Madam President. Let me repeat what I said in the beginning. This bill does not confer special rights. This bill is about protecting people from discrimination. The examples that were given previously are red herrings to get us off the point, and the point is merely, it is wrong in this State of Illinois in the year 2005 to deny people their basic rights based upon their sexual orientation. All of the horror stories of things that could happen are -- if the past is prologue - Senator Cullerton mentioned information related to the City of Chicago, the County of Cook - there have not been this spate of lawsuits. This has not caused a problem and has not caused employers problems. Other states have done this.

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Most municipalities -- many municipalities in this State, totaling almost half of our population, have done it. And you know what? The world did not end. This is a very simple measure. And I will remind my colleagues on both sides of the aisle, this is not a partisan issue. In 1964, when the Civil Rights Bill was passed, I will remind you that it would not have passed had it not been for a Senator from Illinois, Senator Everett Dirksen, and he took a lot of heat when he -- when he voted that way at the time. At the time he took heat, but how do we remember him today? And what did he say? He said -- he quoted Victor Hugo, saying there's -- stronger than all the armies is an idea whose time has come. Senator Dirksen said the time has come for equal opportunity in sharing of government and education to our future generations. Senator Dirksen goes down in history as a statesman, not a politician. Let's not be politicians today. Let's join together and do what's right for the people of Illinois who right now are not protected by the rights that we all, all enjoy. So, I would ask all my colleagues to join me and express my -- my gratitude for their vote and their support on this very, very important issue.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 3186. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 Yeas, 27 Nays, 1 voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 3186, and the bill, having received the required constitutional majority, is declared passed. We're going to the Calendar at 3rd Reading, House Bill 3rd Reading, on 4241. Senator Link, do you wish to proceed? Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 4241.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

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Thank you, Madam President. Basically what this bill does is change the ninety-day period of evaluating the affected employees to a period of twenty-five working days. In addition to the previous exclusion, all this excludes private and -- elementary and secondary schools and churches, synagogues, and other buildings of worship, and any other administrative buildings operated by a manufacturer, and further exempts public utilities, telecommunication carriers or its affiliates. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Hendon.

SENATOR HENDON:

Move -- move the previous question.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator, there's one, two, three, four speakers. Senator Rutherford.

SENATOR RUTHERFORD:

Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR RUTHERFORD:

Thank you. Senator Link, does this bill exempt or include financial institutions?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

No.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Rutherford.

SENATOR RUTHERFORD:

If I could, you mean, no, it does not exempt them, so financial institutions are still included in that? Okay. I -- I thought so. If -- isn't it -- isn't it a concern or a sensitivity that there's been quite a -- a -- a concern on financial institutions with regards to potential terrorism and they have been targets for something to occur within... I know. The potential financial -- potentially, financial institutions could be targets for terrorist activity? And let me -- let me...

PRESIDING OFFICER: (SENATOR HALVORSON)

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Excuse me, Senator Rutherford.

SENATOR RUTHERFORD:

I -- Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

Please, could we have it a little quieter here so we could hear the Senator? Senator Rutherford.

SENATOR RUTHERFORD:

Thank you, Madam President. You know, financial institutions have been targets for terrorist activities and there's some real sensitivity there. I guess the concern in leaving them in and -- and just as an explanation to the Body, what you're saying is, if a bank was to move into a facility and there was staffing that was already there, if that staff had not been properly, adequately background checked, that still under this law, they would be required to be retained for an X number of days. Isn't that correct, Senator?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

Under the -- under the law, it would require employees to submit to a criminal background check by the Illinois State Police and the Federal Bureau of Investigation, so they still would be following under particular background checks too, Senator.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Rutherford.

SENATOR RUTHERFORD:

The point I'm making though, Senator, is if there is -- a financial institution purchases or moves into a new building, how can they be assured that those service employees already working in that building - which if this becomes law, will be required to be retained for an X number of days - have had the adequate background check? And the purpose I'm going down this path with it is because when we were debating this bill a number of weeks ago, there was a request to include financial institutions because of the potential sensitivities I'm just highlighting to you, and I think it does merit some consideration. I'm curious as to, number one, why that wasn't done, since you did exempt other types of -- of enterprises, but

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yet, with the potential terrorist activities and the like targeting our country and financial institutions, why they were not included.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

I -- I'll be honest with you, Senator. I -- I -- I was going to answer it one way, but I found out a different way. They were offered the option to do it, but they wanted all of their real estate holdings as part of the package at the same time, instead of just their financial institutions.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Rutherford.

SENATOR RUTHERFORD:

What way were you going to answer before somebody told you a different answer?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

That you and I could probably work on an amendment at a later date to do something about that.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Rutherford.

SENATOR RUTHERFORD:

Then what I'd like to do, Senator Link, is take you up on what you were going to say the first time, as opposed to what you came up with the second time, because I think it is important that we do look at this issue on financial institutions. And I will take you up on that offer to work with our banking community to try to address that. Now, second point: Does this bill -- does this bill exempt government buildings?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

Yes.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Rutherford.

SENATOR RUTHERFORD:

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I guess my question, Senator Link, is, if it's good enough for the private sector, why isn't it good enough for government?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

You know, you always give me the easy questions, Senator. That's why I like you. You know, we -- we work well together. I think it's probably due to the sensitivity of some of the -- some of the government issues that are involved, and that's why there was the exemption of the government people at that time.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Rutherford.

SENATOR RUTHERFORD:

Well, I got to tell you, Senator Link, that was a good -- that was a good attempt, but to be candid with you, I don't think that necessarily is -- is valid. We've got a number of private sector enterprises that deal with much greater sensitive military, secret - whatever it may be - that I think should may well be considered here. I think if I could go back to your commitment to potentially work with me on something on financial institutions, could we maybe include government? Because I guess my position is, if we here in State government are going out mandating certain requirements on the private sector, the private community, if it's good enough for them, then why in the daylight isn't it good enough for the government buildings and those of us in the government process? Unfortunately, Senator Link, as you can appreciate, I'm standing here in opposition to this, but do look forward to working with you on trying to make this bill, which may become law, a better bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator DeLeo.

SENATOR DeLEO:

Thank you very much, Madam President and Ladies and Gentlemen of the Senate. I just wanted to clarify that on the board it reads that I am the sponsor. I relinquished the sponsorship earlier today. A slip has been filed with the clerk and Senator Link is the official sponsor of House Bill 4241. Thank you very much.

PRESIDING OFFICER: (SENATOR HALVORSON)

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Senator Wojcik.

SENATOR WOJCIK:

Thank you, Madam President. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR WOJCIK:

Senator, in reading the analysis here, I see that it says twenty-five working days...

PRESIDING OFFICER: (SENATOR HALVORSON)

Excuse me, Senator. I know it's getting late, but Senator Link cannot hear the questions. Go ahead, Senator Wojcik.

SENATOR WOJCIK:

All right. In reading the analysis, it says it is twenty-five working days. What is the significance of -- of earmarking twenty-five working days?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

Because what it is, the rationale from it is to pertain to the successor employer -- from -- for any unemployment responsibility for the employee, since the responsibility is assumed only by an employee who has been working for an -- an employer for thirty working days.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Wojcik.

SENATOR WOJCIK:

I have -- I would like to have that clarified, 'cause my analysis here tells me twenty-five days.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR WOJCIK:

You have thirty in your analysis?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

No. You are correct that it's twenty-five days, and the reason the rationale is twenty-five days, and it was changed from ninety days, is because the successor employee {sic} has

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the responsibility for any unemployment responsibility for an employee, since the responsibility is assumed only after an employee has been working for an employer for thirty working days. That's why it's twenty-five working days, not twenty-five calendar days.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Wojcik, you have to put your light on. Thank you.

SENATOR WOJCIK:

Actually I have a -- a editorial in front of me from the Chicago Tribune, and I really think it speaks to this issue very well. It says that this bill is named the Displaced Building Service Workers Protection Act. It ought to be called the Let's Encourage Investment in Indiana Act. Also, it states it is an unreasonable restriction on private owners of property. This bill, I don't know why anybody would want to buy a piece of property with all these restrictions placed upon them. Also, the new owner would have to have the onus of the employer -- employee who's working and -- in case the new owner wants to fire him, what will happen is they can go ahead and collect unemployment compensation because it's twenty-five days. So, what we're doing here is we're just doing disincentives for people to invest in our State. This is a bad precedent. Here's the people that have opt out of it. There's twenty-three different groups, including the Illinois Bankers Association, Realtors Association, BOMA of Chicago, Illinois State Chamber of Commerce, NFIB, State Farm and Illinois Auto Dealers still oppose this bill. So, how can you say this is good? We believe in the foundation of investments and building upon our investments. But when you place onus on investors like this, it just creates a very, very bad precedent in our State. So, I would urge a No vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Brady.

SENATOR BRADY:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR BRADY:

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Senator, if -- if someone were to sell their building and -
- and let someone go exactly thirty days prior to the closing,
would -- how would that be affected?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

The -- as far as -- far as our analysis shows, that the
previous employer that's still under that can let that person
go.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Brady.

SENATOR BRADY:

So, the previous employer would be -- there's no time limit
for -- is there a minimum time period that the person must have
worked for the building owner prior to closing?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

No, I don't think there is.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Brady.

SENATOR BRADY:

Senator, what's your -- I know Senator Rutherford asked you
the question about why you exempt some organizations and not
others, but what are you trying to accomplish here? Is this --
I mean, this really seems like new uncharted waters for us.
Here we are trying to regulate employment that we've never done
before. And a question to follow up on that is, is the employee
obligated to work for the new owner as well, or is this just a
one-way street?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

All right. I'll -- I'll do it in an example of that during
the past fifteen years - I won't mention the company because
they'll do it - changed cleaning contractors several times, and
each new successor contractor retained the existing employees.
In December 2003 that company again terminated its cleaning
contract and brought in another contractor, only this time the

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twenty-seven building services workers were terminated. In this bill, it has been enacted the new contractor would have been required to offer these employee jobs, period for ninety days, and at which time the employer would perform written evaluation for the job performances of each employee in order to determine if the quality of their work is warrant to continue their employment - so, basically, given the opportunity. But remember, we passed something called the Hatch Act and -- or, that's in federal government, but we passed the -- Shakman Act a number of years ago to prevent from just wholesaling firing when a different party affiliation takes over. Basically, this is the same thing. When you take over, you just don't wholesale fire people without cause. You have a certain waiting period to have written cause before you would let someone go. If there's just cause, these people still could be terminated.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Brady.

SENATOR BRADY:

Senator, is there an obligation for the employee to continue working, or is it just a one-way street?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

No, there's not an obligation for the person to continue to work.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Brady.

SENATOR BRADY:

To the bill, Ladies and Gentlemen: I -- I stand in opposition to this legislation for the reasons mentioned by previous speakers in opposition. Senator Wojcik mentioned the Tribune editorial which simply said we might as well call this bill "Let's Encourage Investment in Indiana Act". The Peoria Journal Star also said, and I quote in their editorial, this bill is "...an unwarranted infringement by the State into private business. State government has as much interest in guaranteeing the jobs of building cleaners and night watchmen as it does in ensuring that journalists stay employed. That is none. The bill should be retired with the Legislature that adjourns on

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Tuesday." I think these two editorials indicate why this is bad legislation, and I ask for your No vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. Will the sponsor yield please?

PRESIDING OFFICER: (SENATOR HALVORSON)

Sponsor indicates he'll yield.

SENATOR RIGHTER:

Senator Link, you made a comment early in the debate that I think needs to be clarified for -- so the Members understand what would be allowed under this bill and what would not. You made a comment earlier that they would be subject to criminal background checks, and the language in the bill says that they are required to be subject to criminal background checks from the FBI or the State Police. Are you aware of whether or not either the FBI or the State Police run criminal background checks for private employers?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

First of all, you know, I'm not aware if the banks are required to do that, but what we are is that whatever they are allowed to be able to do, that the banks can do and they can require the employee to do that. If it be a State Police or an FBI background check, that they were eligible to be able to do that with that employee. And it will not be the first time that I had to clarify something in debate.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

Well, Senator Link, here's my concern, is that the bill only requires the employees to be subject to a criminal background check from either the FBI or the State Police, not a private vendor, but it's my understanding that neither the FBI nor the State Police do criminal background checks for private employers. So, aren't we left with the situation whereby the -- the employees, who this employer has to keep on, are not subject

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to any criminal background check whatsoever? I mean, isn't that the de facto position we're left in?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

Well, let me put it this way, Senator: If that is the case and you are correct on that, which I presume you are because most of the time you are very diligent in knowing those facts and figures, when Senator Rutherford and I discuss on some of our background on the amendment, we will take that in consideration and possibly see about an amendment in the future on something of that nature.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

One other area I want to -- I want to inquire about, and then speak to the bill briefly, Madam President, and that is, Senator Link, as I understand the bill, the new employer can't consider the status of the employee that they're having to take on in terms of whether or not they are legally within the country. That being the case then, when they -- when they -- when that person falls under their employment status, aren't those people put in a situation of either violating State law by trying to terminate someone because they -- they're an illegal alien, which this would prohibit, or violating federal law because the person is an illegal alien, but they don't want to violate State law so they're going to go ahead and hire 'em? I mean, what does the employer do in that situation?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

In -- in -- you have twenty-five days to evaluate an individual. In that twenty-five days, if you should find that determination, that's when you could terminate the person.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

Well, that's nice, Senator Link, but I mean the federal law doesn't say that you break federal law only after employing an

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illegal alien after twenty-five days. It's a federal crime when you do it for one day, and so that employer is left in that situation. If I'm the new employer coming in and I know that one of those people is an illegal alien, I can't fire 'em. I have to hire them, and I've committed a federal crime because State law tells me I have to commit that federal crime. What do you tell that -- that -- that new employer?

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link.

SENATOR LINK:

You are allowed to terminate that person's employment immediately if you have just cause and, obviously, that would be just cause.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Righter.

SENATOR RIGHTER:

...bill -- to the bill briefly, Madam President. Ladies and Gentlemen, there are at least a dozen good substantive reasons to vote against this bill, but there's one in particular - the list of exemptions. The people who are not covered by this is a mile long. This is policy making at its absolute worst. By the time this becomes law, the only people in your district and mine who are going to be subject to this requirement are the people who don't have the contacts to call someone in Springfield and get carved out of the bill or don't have enough money to hire a lobbyist to have 'em -- come and get out of the bill. It's the people who can least afford these kinds of requirements who are going to be subject to these implications. You know, we look around once in a while and -- and our constituents wonder sometimes if the General Assembly's for sale. Sometimes the press wonders if the General Assembly is for sale. For evidence of that, you need no -- look no further than what's on the board right now. This is policy making and government at its worst, and I would urge a No vote.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Link, to close.

SENATOR LINK:

Well, I'll -- I'll make this short closing. First of all, I take offense. First of all, I don't think anything I do is

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government for sale, so I take a little bit of offense on -- on that type of remark. But I got to tell you, Senator Rutherford, I will be more than happy, after this is over, to sit down, work -- if this bill passes, to work on an amendment and -- as I've done with you before. I think you know my word's good with you. We will work on something. We will see what we can do to work on this to make it even a better bill than what I think it is. I would ask for an affirmative vote on this. Thank you.

PRESIDING OFFICER: (SENATOR HALVORSON)

The question is, shall House Bill 4241 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 19 Yeas, 37 Nays, 1 voting Present. And House Bill 4241, having not received the required constitutional majority, is declared failed. Madam Secretary, Messages.

SECRETARY HAWKER:

A Message from the House by Mr. Mahoney, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 37, together with House Amendment 1.
Passed the House, as amended, January 10, 2005.

I have like Messages with respect to Senate Bill 738, with House Amendment 1; Senate Bill 2212, with House Amendment 1; Senate Bill 2216, with House Amendment 1; Senate Bill 2220, with House Amendment 1; Senate Bill 3199, with House Amendment 1 {sic} (2); Senate Bill 3196, with House Amendment 1; and Senate Bill 3362, with House Amendment 2.

All passed the House, as amended, January 10, 2005.

PRESIDING OFFICER: (SENATOR HALVORSON)

Senator Viverito, for what purpose do you rise?

SENATOR VIVERITO:

Personal privilege.

PRESIDING OFFICER: (SENATOR HALVORSON)

State your point.

SENATOR VIVERITO:

The personal privilege is for our good friend, Pat Walsh -- Welch, who is retiring, and the party's over at the Sangamo Club

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and everybody's waiting. So, make sure you come over for our good friend, Pat.

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary.

SECRETARY HAWKER:

A Message from the House by Mr. Mahoney, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 3195, together with House Amendment
1.

Also passed the House, as amended, January 10, 2005.

PRESIDING OFFICER: (SENATOR HALVORSON)

There being no further business to come before the Senate, the Senate stands adjourned until the hour of 10 a.m. on Tuesday, January 11th, 2005. The Senate stands adjourned until 10 a.m.